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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,344	01/03/2006	Ikuo Tajima	IZU: 018	8779
37013	7590	06/23/2006	EXAMINER	
ROSSI, KIMMS & McDOWELL LLP.			IZAGUIRRE, ISMAEL	
P.O. BOX 826			ART UNIT	
ASHBURN, VA 20146-0826			PAPER NUMBER	
			3765	
DATE MAILED: 06/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/563,344	Applicant(s) TAJIMA ET AL.	
	Examiner Ismael Izaguirre	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/3/06</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***SPECIFICATION***

#### ***Abstract***

The abstract of the disclosure is objected to because of its length. An Abstract should be limited to no more than 150. Correction is required. See MPEP § 608.01(b).

### ***CLAIMS***

#### ***Summary***

Claim 1 is the independent claim under consideration in this Office Action.

Claims 2-4 are the dependent claims under consideration in this Office Action.

#### ***Claim Rejections - 35 U.S.C. § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. § 102(b) as being anticipated by Shozo (JP 1,260,052).

Shozo teaches an embroidery frame mounting structure for an embroidery frame holding an embroidering fabric. The embroidery frame mounting structure comprises a mounting member 26 (figure 3, for example) which removably attach an embroidery frame 36, 37 (figure 7, for example) to a base frame. The mounting member 26 is adjustably mounted to a positioning member 25 fixed to the base 24 frame at a

predetermined position. Wherein said mounting member is attached to the base frame via the positioning member and is mounted where it is adjustable relative to the positioning member. The embroidery frame is mounted to the mounting member and is removably mounted to the base frame via the positioning member by providing a loosely fitted screw 28 in a hole of the mounting member. The screw 28 further, fixes the mounting member and the positioning member onto the base frame in a fixed manner.

Claims 1 and 2 are rejected under 35 U.S.C. § 102(b) as being anticipated by Tajima et al. (JP 8,311,762).

Tajima et al. teach an embroidery frame mounting structure for an embroidery frame holding an embroidering fabric. The embroidery frame mounting structure comprises a mounting member 17a and 17b (figure 4, for example) which removably attach an embroidery frame 16 to a base frame. The mounting member 17a/b is adjustably mounted to a positioning member 25,26, and 27 fixed to the base 15 frame at a predetermined position. Wherein said mounting member is attached to the base frame via the positioning member and is mounted where it is adjustable relative to the positioning member. The embroidery frame is mounted to the mounting member and is removably mounted to the base frame via the positioning member, which comprises a loosely fitted screw in a hole of the mounting member. The screw 28 further, fixes the mounting member and the positioning member onto the base frame in a fixed manner.

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Shozo in view of Sakakibara (5,353,725) and over Tajima et al. in view of Sakakibara.

Shozo and Tajima et al., each, disclose the invention substantially as claimed. See above for specific explanations of the structural details of these documents. Briefly, each Shozo and Tajima et al. teach structure for attaching an embroidery frame onto a base frame where the structure includes a mounting member and positioning member. Further, the embroidery frames of each Shozo and Tajima et al. include connection means for connecting the frames to the mounting members. However, neither Shozo nor Tajima et al. suggest providing fitting structures including magnets.

Sakakibara illustrates a mounting member 13 and 14 and 19 and 21 for mounting an embroidery hoop 4 to a base frame 3 in an embroidery machine. The fitting structure further includes a magnet 22 and 20 for attracting the connection structure of the embroidery hoop.

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the connecting structure of the mounting members of Shozo and Tajima et al., each separately, as including magnets for attracting and attaching the embroidery hoop fitting structures and holding the embroidery hoop in place while the material is being embroidered.

### ***PERTINENT CITATIONS***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vickroy and Moore III illustrate embroidery hoop attaching structure. Goto illustrates embroidery hoop attaching structure including at least one magnet.

### ***INQUIRIES***

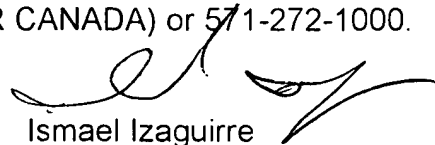
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ismael Izaguirre  
Primary Examiner  
Art Unit 3765

II  
6/21/06